

Preliminary Amendment

Applicant: Scott C. Willis et al.

Serial No.: 09/591,731

Filed: June 12, 2000

Docket No.: B251.104.102

Title: SYSTEM AND METHOD OF PROVIDING A SPREAD SPECTRUM PULSE WITH MODULATOR CLOCK

REMARKS

The following remarks are made in response to the Advisory Action mailed October 7, 2004 and the Final Office Action mailed May 5, 2004. Claims 1-3 and 6-10 have been allowed. Claims 31-33 were rejected. Claims 4, 5 and 11-30 have been objected to. With this Response, claims 4, 11-12, 15, 19, 21-22, 25-26, 29, 31, and 33 have been amended. Claims 1-33 remain pending in the application and are presented for reconsideration and allowance.

Claim Objections

On page 2 of the Advisory Action, claims 4, 11-12, 15, 19, 21-22, 25-26, 29 and 33 were objected to for informalities. With this response, claims 4, 11-12, 15, 19, 21-22, 25-26, 29 and 33 have been amended to address the objections as suggested by the Examiner. As such, Applicants respectfully request that the above claim objections be removed and that claims 4, 11-12, 15, 19, 21-22, 25-26, 29 and 33 be allowed.

Upheld Claim Rejections under 35 U.S.C. § 103

Claims 31-32 were rejected under 35 U.S.C. § 103 as being unpatentable over the Turner U.S. Patent No. 5,006,973 patent in view of the Smith U.S. Patent No. 5,309,344.

Claim 33 was rejected under 35 U.S.C. § 103 as being unpatentable over the Turner Patent in view of the Smith Patent and in further view of the Korcharz et al. U.S. Patent No. 6,049,471.

Applicants have amended independent claim 31 to include the limitation of creating the pulse train signal of the pulse width modulator having a fundamental frequency that is time-varying, wherein the fundamental frequency of the pulse train signal is based upon the resistor/capacitor time constant. The limitation of the pulse width modulator having a fundamental frequency that is time-varying was originally included only in the preamble of claim 31. Amended independent claim 31 is clarified to place the limitation of the pulse width modulator having a fundamental frequency that is time-varying into the body of the claim. Thus,

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amended independent claim 31 includes limitations in the body of the claim of altering a resistor/capacitor time constant based on a binary count and creating the pulse train signal of the pulse width modulator having a fundamental frequency that is time-varying, wherein the fundamental frequency of the pulse train signal is based upon the resistor/capacitor time constant. These limitations are similar to those of allowed independent claim 10.

Furthermore, dependent claims 32-33 further define patentably distinct independent claim 31. Therefore, these dependent claims are also believed to be allowable.

Therefore, Applicants respectfully request that the rejection of claims 31-33 under 35 U.S.C. § 103 be withdrawn and these claims be allowed.

CONCLUSION

In view of the above, Applicants respectfully submit that pending claims 1-33 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections of claims 31-33 and the objections of claims 4, 5 and 11-30 and allowance of claims 1-33 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 19-0130.

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The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number to facilitate prosecution of this application.

Respectfully submitted,

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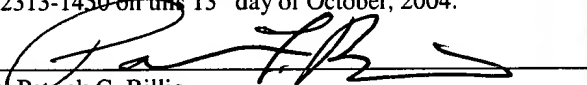
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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13th day of October, 2004.

By 
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